

# Emergency Action on Regulations

## Symbol Key

- Roman type indicates text existing before emergency status was granted.
- *Italic type* indicates new text.
- [Single brackets] indicate deleted text.

## Emergency Regulations

Under State Government Article, §10-111(b), Annotated Code of Maryland, an agency may petition the Joint Committee on Administrative, Executive, and Legislative Review (AELR), asking that the usual procedures for adopting regulations be set aside because emergency conditions exist. If the Committee approves the request, the regulations are given emergency status. Emergency status means that the regulations become effective immediately, or at a later time specified by the Committee. After the Committee has granted emergency status, the regulations are published in the next available issue of the Maryland Register. The approval of emergency status may be subject to one or more conditions, including a time limit. During the time the emergency status is in effect, the agency may adopt the regulations through the usual promulgation process. If the agency chooses not to adopt the regulations, the emergency status expires when the time limit on the emergency regulations ends. When emergency status expires, the text of the regulations reverts to its original language.

## Title 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 02 FISHERIES SERVICE

#### Notice of Extension of Emergency Status

[13-193-E-1]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to:

- (1) Regulation .07 under COMAR 08.02.05 Fish; and
- (2) Regulation .03 under COMAR 08.02.12 Endangered and Threatened Fish Species.

Emergency status has been extended to: September 2, 2013.

Emergency action was published in: 40:15 Md. R. 1225 — 1226 (July 26, 2013).

JOSEPH P. GILL

Secretary of Natural Resources

### Subtitle 02 FISHERIES SERVICE

#### 08.02.05 Fish

Authority: Natural Resources Article, §§4-2A-03 and 4-701, Annotated Code of Maryland

#### Notice of Emergency Action

[13-273-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .24 under COMAR 08.02.05 Fish.

Emergency status began: August 27, 2013.

Emergency status expires: February 23, 2014.

#### Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

## Estimate of Economic Impact

I. Summary of Economic Impact. This action has an economic impact.

### II. Types of Economic Impact

#### A. On issuing agency:

- |                            |      |                |
|----------------------------|------|----------------|
| (1) Permit fees            | (R+) | \$400          |
| (2) Program administration | (E+) | Indeterminable |

#### B. On other State agencies:

NONE

#### C. On local governments:

NONE

Revenue (R+/R-)

Expenditure (E+/E-)

Magnitude

Benefit (+)  
Cost (-)

Magnitude

#### D. On regulated industries or trade groups:

- |  |     |                |
|--|-----|----------------|
| (1) Limited entry fishery participants | (+) | Indeterminable |
|--|-----|----------------|

- |   |     |                |
|---|-----|----------------|
| (2) Commercial licensees not in limited entry fishery | (-) | Indeterminable |
|---|-----|----------------|

#### E. On other industries or trade groups:

NONE

#### F. Direct and indirect effects on public:

NONE

### III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). The action creates a limited entry fishery for spiny dogfish. Participants in the fishery will be required to purchase a permit in order to participate. The Department anticipates approximately 20 individuals will purchase this permit at a cost of \$25, for a total increase in revenue of \$400.

A(2). The action creates a limited entry fishery for spiny dogfish. The Department may have increased expenditures as a result of this new program that exceed permit revenue. These responsibilities will be handled by existing staff.

D(1). By creating a limited entry fishery, participants in the fishery will have less competition for their product. This should increase the value of their product, but it is not known at this time how much the value will increase.

D(2). By creating a limited entry fishery, those commercial licensees who do not qualify for, or who choose to not participate in the limited entry fishery will have their ability to catch spiny dogfish limited. While they will still be allowed to harvest spiny dogfish, they will have a lower daily limit than those licensees who participate in the limited entry fishery. It is not known at this time how many commercial licensees this will affect, or the magnitude of the affect.

#### Economic Impact on Small Businesses

The emergency action has a meaningful economic impact on small business. An analysis of this economic impact follows.

Please see Part A(II)(D) for analysis of the economic impact to small businesses (commercial licensees).

#### .24 Spiny Dogfish.

[A. An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the federal Exclusive Economic Zone (EEZ), which are defined as those ocean waters between 3 and 200 miles offshore, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.]

[B.] A. (text unchanged)

#### B. Commercial Licenses and Permits.

(1) A person shall be licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to catch, possess, or land spiny dogfish for commercial purposes.

(2) A vessel which is used to catch, possess, or land spiny dogfish for commercial purposes from the waters of the federal Exclusive Economic Zone (EEZ) of the Atlantic Ocean, which are defined as those ocean waters between 3 and 200 miles offshore, shall be permitted by the National Marine Fisheries Service, in accordance with 50 CFR §648.4.

#### C. Commercial Catch Limits.

(1) The annual commercial quota for Maryland is established by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission.

(2) An individual licensed to catch fish for commercial purposes may not catch, possess, or land more than 1,000 pounds of spiny dogfish per vessel per day from the Atlantic Ocean, its coastal bays, and their tributaries unless the individual possesses a Maryland spiny dogfish landing permit.

(3) An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the EEZ, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.

(4) Regardless of the number of authorized individuals with Maryland spiny dogfish landing permits on board any one federally permitted vessel, not more than one spiny dogfish vessel trip limit may be landed from one vessel per trip.

#### D. Spiny Dogfish Landing Permit Declaration.

(1) In order to obtain a spiny dogfish landing permit a tidal fish licensee shall declare their intent to fish for spiny dogfish by October 1, 2013 and thereafter between March 1 and March 31 of each year.

(2) A tidal fish licensee who has not declared by October 1, 2013 or March 31 of subsequent years may apply to the Director of Fisheries Service, provided the licensee shows good reason why the application should be processed:

(a) Until October 14, 2013; or

(b) If the licensee has not declared late in either of the 2 preceding years, until April 14 of the current year, or the next business day if April 14 occurs on a weekend.

(3) An exception to the deadlines in §D(2) of this regulation will be considered only for an individual who can provide satisfactory documentation of a physical or mental incapacity that prevented that individual from meeting the declaration time period.

(4) An individual who fails to declare for 2 consecutive years may no longer declare in subsequent years unless the individual receives a permit through §F of this regulation.

#### (5) Vessel Requirements.

(a) An individual shall own or have a share of ownership in a vessel to be eligible to declare for a spiny dogfish landing permit.

(b) If there is more than one owner of a vessel, a licensee may declare the vessel on the spiny dogfish landing permit if the licensee:

(i) Owns at least 51 percent of the vessel; or

(ii) Has permission from the other owners who, whether individually or in combination, own at least 51 percent of the vessel.

(c) Only one owner of a vessel may declare the vessel on a spiny dogfish landing permit.

(d) The federally registered name or the State registration numbers of the vessel owned by the permittee shall be indicated at the time of application for the permit and declared on the Maryland spiny dogfish landing permit.

(e) Any change in vessel ownership shall be reported to the Department so that a revised permit card may be issued.

(6) The fee for a spiny dogfish landing permit is \$25.

#### E. Spiny Dogfish Landing Permit.

(1) An individual is eligible to declare for a permit to catch and land spiny dogfish in Maryland if they are licensed in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland and meet the following requirements:

(a) The individual provides proof that they owned or had a share of ownership in a vessel that landed at least 1,000 pounds of spiny dogfish between May 1, 2004 and March 8, 2013, and have not previously held a Maryland spiny dogfish landing permit;

(b) The individual has declared an intent to fish for spiny dogfish in accordance with §D of this regulation within the previous 2 year period and has not transferred the permit;

(c) The individual, beginning March 2015, has declared an intent to fish for spiny dogfish in accordance with §D of this regulation within 2 years of the current declaration, not transferred the permit, and owned a vessel that landed a minimum of 10,000 pounds of spiny dogfish within 2 years of the current declaration period; or

(d) The individual has received a spiny dogfish landing permit through a transfer in accordance with §F of this regulation within the past license year.

(2) A spiny dogfish landing permit is valid from May 1 of the year of issuance through April 30 of the following year.

(3) An individual may not be issued more than two spiny dogfish landing permits regardless of the number of qualifying vessels the individual owns or in which the individual has a share of ownership.

(4) Proof of eligibility for a Maryland spiny dogfish landing permit as required in §E(1) of this regulation shall be documented by records of the Department or records of the National Marine Fisheries Service.

(5) A permittee may catch, possess, or land spiny dogfish for commercial purposes on a vessel other than the vessel declared on the permittee's permit only if in possession of the permit issued to the permittee.

## (6) Operators.

(a) An operator means an individual who is not a permittee and who acts as an agent of a permittee.

(b) The name of the vessel on which the operator is working shall be declared on the Maryland spiny dogfish landing permit.

(c) An operator may catch, possess, or land spiny dogfish for commercial purposes on a vessel owned by a permittee if they are in possession of that permittee's permit.

(7) Temporary transfers of spiny dogfish landing permits are not permitted.

## F. Permanent Transfer of a Landing Permit.

(1) A commercial tidal fish licensee may permanently transfer a spiny dogfish landing permit if:

## (a) The transferor:

(i) Applies to the Department for the transfer on forms provided by the Department;

(ii) Held the permit for four or more consecutive years; and

(iii) Harvested a minimum of 20,000 pounds within the previous 4-year period on the same vessel that qualified for the permit under §E(1) of this regulation; and

## (b) The transferee:

(i) Is a valid commercial tidal fish licensee; and

(ii) Has paid the applicable fees required by Natural Resources Article, §4-701, Annotated Code of Maryland.

(2) An authorized representative of a deceased licensee may permanently transfer a spiny dogfish landing permit:

(a) Regardless of the number of years the deceased licensee held the spiny dogfish landing permit;

(b) Regardless of the amount of spiny dogfish the deceased licensee landed; and

(c) Without transferring the deceased's tidal fish license.

## G. Reporting and Penalties.

(1) In addition to the requirements of Natural Resources Article, §4-206, Annotated Code of Maryland, an individual in possession of a Maryland spiny dogfish landing permit shall record the harvest of spiny dogfish on the permit daily and submit the completed permit to the Department within 30 days from the end of the spiny dogfish season.

(2) A dealer shall transmit information weekly, or as required, on each spiny dogfish transaction through the Department-approved reporting system.

(3) The Department may deny an application for a spiny dogfish landing permit for failing to comply with this Chapter.

## [C.] H. General.

(1) — (2) (text unchanged)

(3) Spiny dogfish harvested for commercial purposes from Maryland waters of the Atlantic Ocean or from the waters of the EEZ and landed in Maryland shall be sold to a dealer with a federal permit.

(4) Spiny dogfish harvested for commercial purposes shall only be harvested from a vessel.

JOSEPH P. GILL  
Secretary of Natural Resources

# Title 11 DEPARTMENT OF TRANSPORTATION

## Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

### 11.07.07 Electronic Toll Collection and Toll Violation Enforcement

Authority: Transportation Article, §§ 4-205, 4-312, 21-1414, 21-1415, 26-401, and 27-1101; Courts and Judicial Proceedings Article, §§ 7-301, 7-302; Annotated Code of Maryland

#### Notice of Emergency Action

[13-195-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to the repeal of existing Regulations .01—.06 and the adoption of new Regulations .01—.09 under COMAR 11.07.07 Electronic Toll Collections and Toll Violations Enforcement.

Emergency status began: September 1, 2013.

Emergency status expires: February 27, 2014.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:15 Md. R. 1248—1252 (July 26, 2013), referenced as [13-195-P].

HAROLD BARTLETT  
Executive Secretary

## Subtitle 15 MOTOR VEHICLE ADMINISTRATION—VEHICLE REGISTRATION

### 11.15.28 Vehicle Registration Suspension and Nonrenewal for Failure to Pay Toll

Authority: Transportation Article, §§ 12-104(b), 21-1414, and 27-110, Annotated Code of Maryland

#### Notice of Emergency Action

[13-220-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulations .01—.05 and the repeal of Regulation .06 under COMAR 11.15.28 Vehicle Registration Suspension and Nonrenewal for Failure to Pay Toll.

Emergency status began: September 1, 2013.

Emergency status expires: February 27, 2014.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed Action in 40:16 Md. R. 1363—1364 (August 9, 2013), referenced as [13-220-P].

JOHN T. KUO  
Administrator  
Motor Vehicle Administration